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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY STORE  
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

*Epic Games Inc. v. Google LLC et al.*, Case  
No. 3:20-cv-05671-JD

Case No. 3:21-md-02981-JD

**DEFENDANTS' MOTION FOR LEAVE  
TO FILE SUPPLEMENTAL BRIEF IN  
SUPPORT OF GOOGLE'S PROFFER  
REGARDING EPIC'S PROPOSED  
REMEDIES**

Judge: Hon. James Donato  
Date: August 14, 2024  
Time: 10:00 a.m. Pacific Time  
Courtroom: 11, 19th Floor, 450 Golden Gate  
Ave, San Francisco, California, 94102

1 Google requests permission under Civil Local Rule 7-11 to file a short supplemental brief  
2 in support of its Proffer Regarding Epic's Proposed Remedies, to respond to testimony offered by  
3 Epic's remedies experts, Professors James Mickens and Michael Ernst, in their August 1 and  
4 August 2 depositions.

5 The deposition testimony of Epic's experts contradicts important aspects of Epic's  
6 response to Google's proffer. First, the testimony of Professors Ernst and Mickens makes clear  
7 that the proposed remedies of catalog access and distribution of third party app stores would place  
8 the Court into the role of central planner and redesigner of the Play store's business. Second,  
9 Professor Ernst's testimony conflicts with Epic's contention that the proposed remedies discussed  
10 in Google's proffer could be "implemented" in a few months. Third, Professor Ernst's testimony  
11 exposed that Epic's cost estimates for implementing Catalog Access, Library Porting, and  
12 Distribution of Third-Party App Stores ignored numerous costs that Professor Ernst dismissed as  
13 "nontechnical." Finally, Professor Mickens disagreed with Epic's position that Google should not  
14 be permitted to review apps in the catalogs of third party app stores distributed through the Play  
15 store.

16 Google scheduled the depositions of Epic's experts promptly after Epic filed its reply to  
17 Google's proffer, and within the time provided by the Court's May 24, 2024 order. (MDL ECF  
18 No. 978.) Google will have no other opportunity to address the deposition testimony of these  
19 experts in a filing. Before filing this motion, Google requested that Epic consent to the filing of a  
20 supplemental brief addressing the deposition testimony of its experts, but Epic declined to consent.  
21 Google's proposed supplemental brief is attached as Exhibit A.

DATED: August 7, 2024

Respectfully submitted,

By: /s/ Jonathan I. Kravis  
Jonathan I. Kravis

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**E-FILING ATTESTATION**

I, Jonathan I. Kravis, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that counsel for Defendants have concurred in this filing.

/s/ Jonathan I. Kravis

Jonathan I. Kravis